

SENSITIVE

PAGE 58 SITUATION(S) MESSAGE(S) LISTING

DATE 10/09/73//282

SITUATION: HAKUN
SUBJECT CATEGORY: TOHAK

MESSAGE / ANNOTATION:

MESSAGE:

IMMEDIATE

O 051141Z OCT 73

FM THE SITUATION ROOM TOHAK 17

TO CAMPBELL FOR SECRETARY KISSINGER

UNCLAS WH32467 TOHAK 17

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DEPARTMENT OF STATE
WASHINGTON, D.C.

OCTOBER 4, 1973

MEMORANDUM FOR THE PRESIDENT - EVENING REPORT

WAR POWERS LEGISLATION - THE HOUSE AND SENATE CONFEREES AGREED TODAY ON A JOINT RESOLUTION ON WAR POWERS WHICH WILL PROBABLY GO TO THE FLOOR OF THE HOUSE NEXT THURSDAY. REPRESENTATIVES MAILLARD AND FRELINGHUYSEN WERE THE SOLE DISSENTERS. SENATOR FULBRIGHT, HERETOFORE AN OUTSPOKEN CRITIC, CALLED IT THE BEST CONFERENCE REPORT HE HAS PARTICIPATED IN AND EXPRESSED STRONG SUPPORT FOR THE RESOLUTION.

THE AGREED TEXT LIMITS THE CONSTITUTIONAL POWERS OF THE COMMANDER-IN-CHIEF TO INTRODUCE FORCES INTO HOSTILITIES TO THE FOLLOWING SITUATIONS: A DECLARATION OF WAR, SPECIFIC STATUTORY AUTHORIZATION, OR AN ATTACK ON UNITED STATES TERRITORY OR ARMED FORCES. IN ADDITION, IT PROVIDES AN AUTOMATIC TERMINATION AFTER 60 DAYS OF THE PRESIDENT'S AUTHORITY TO USE THE ARMED FORCES IN HOSTILITIES OR CERTAIN OTHER SITUATIONS UNLESS THE CONGRESS HAS DECLARED WAR, SPECIFICALLY AUTHORIZED SUCH USE, OR IS UNABLE TO MEET AS A RESULT OF AN ARMED ATTACK. AN ADDITIONAL 30-DAY WITHDRAWAL PERIOD IS ALLOWED IF THE PRESIDENT CERTIFIES IT IS NEEDED FOR SELF DEFENSE. FURTHER, THE CONGRESS COULD AT ANY TIME COMPEL THE WITHDRAWAL OF U.S. FORCES FROM HOSTILITIES ABROAD BY SIMPLE CONCURRENT RESOLUTION NOT SUBJECT TO PRESIDENTIAL VETO. THE DRAFT RESOLUTION ALSO CONTAINS A REQUIREMENT THAT THE PRESIDENT REPORT TO THE CONGRESS WITHIN 48 HOURS OF INTRODUCING TROOPS (A) INTO HOSTILITIES OR (B) INTO THE TERRITORY OF ANOTHER STATE EXCEPT FOR CERTAIN PURPOSES OF RESUPPLYING, OR (C) TO ENLARGE SUBSTANTIALLY THE U.S. ARMED TROOPS ALREADY STATIONED IN

***** WHSR COMMENTS *****

SECRETARY FILE

PSN:047546

DTG:051141

TOR:2781138

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ANOTHER STATE. SUBSEQUENT REPORTS ARE REQUIRED AT LEAST EVERY
SIX MONTHS WHILE SUCH DEPLOYMENT CONTINUES.

KENNETH RUSH
ACTING SECRETARY

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